

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
2016 NOV -7 AM 11:37

UNITED STATES OF AMERICA

v.

JOSE ADOLFO BENITEZ-ALVARADO

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CLERK'S OFFICE
AT BALTIMORE
Criminal No. JFM-13-0696
Civil No. JFM-16-1566

MEMORANDUM

Jose Benitez-Alvarado has filed this motion under 28 U.S.C. §2255. He claims that his sentence should be reduced under *Johnson v. United States*, 135 S. Ct. 2551 (2015). Benitez-Alvarado's motion will be denied.

Benitez-Alvarado was given a 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A) because he previously had been deported following a conviction of a crime of violence. Section 2L1.2(b)(1)(A) does not include a clause resembling the clause in the Armed Career Criminal Act that was found to be constitutionally infirmed in *Johnson*. Accordingly, Benitez-Alvarado's claim is without merit.

Date: Nov 4, 2016


J. Frederick Motz
United States District Judge